IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9992 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRAVINKUMAR S SUTHAR

Versus

MODASA NAGRIK SAHKARI BANK LTD

Appearance:

1. Special Civil Application No. 9992 of 1993

MR HARSHAD K PATEL for Petitioner No. 1

MR MB BUCH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 27/08/2004

ORAL JUDGEMENT

The petitioner challenged the order of the respondent-cooperative bank. In view of the law laid down by this Court the writ petition is not maintainable

against the cooperative society and therefore Mr Patel for the petitioner seeks permission to withdraw this petition to approach the appropriate forum for the redressal of the grievances raised in the petition. If the petitioner approached the appropriate forum within one month, the appropriate forum will consider the same on merits and will not reject the same on the ground of delay in view of the fact that the present petition was filed before this Court on 28.09.1993 and the same is pending till today before this Court and since the petitioner has approached a wrong forum, his claim should be considered on merits and should not be rejected only on the ground of delay.

With the above observations, the petition stands disposed of as withdrawn. Rule is discharged.

(K.S. Jhaveri, J.)

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